

By: Hegar

S.B. No. 1126

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of certain search warrants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 18.01(i), Code of Criminal Procedure, is amended to read as follows:

(i)(1) Any magistrate may issue a search warrant under Subdivision (10) or (12) of Article 18.02 in [in] a county:

(A) in which:

(i) the only judge serving the county who is a licensed attorney is a district judge whose district includes more than one county; or

(ii) [in which] the only judges serving the county who are licensed attorneys are two or more district judges each of whose district includes more than one county; or

(B) that does not have a judge of a municipal court of record who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge~~[, any magistrate may issue a search warrant under Subdivision (10) or Subdivision (12) of Article 18.02 of this code].~~

(2) Subsection (i)(1)(B) does not apply ~~[This section is not applicable]~~ to a subsequent search warrant under Subdivision (10) of Article 18.02 of this code.

SECTION 2. (a) The change in law made by this Act applies

1 only to a warrant issued on or after the effective date of this Act.

2 (b) A warrant issued before the effective date of this Act
3 is covered by the law in effect when the warrant was issued, and the
4 former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2007.